<u>REMARKS</u>

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-13 and 15-19 are pending in this application. Claims 1, 12, 13, 15, and 16 are amended by the present amendment.

Amendments to the claims find support in the application as originally filed. Thus, no new matter is added.

In the outstanding Office Action dated January 15, 2009, Claims 1-13 and 15-19 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Publication 2004/0117831 to <u>Ellis et al.</u> (herein "<u>Ellis</u>") in view of U.S. Publication 2004/0003396 to <u>Babu</u> and U.S. Patent No. 6,950,804 to <u>Strietzel</u>. Applicants respectfully traverse that rejection with respect to amended independent Claims 1, 12, 13, 15, and 16.

Claim 1 is directed to a content information processing apparatus that includes, in part, first storage means for storing first content information indicating content that is to be screened for a user at a real place and content supplier information identifying a content supplier that supplies the content for screening at the real place. The content information processing apparatus also includes viewing information processing means for specifying second content information indicating that the content is distributed to a terminal of the user via a network. The terminal is configured to allow the user to view the content. In addition, the apparatus includes viewing history storage means for storing viewing history information including at least the second content information and indicating a history of the user viewing the content on the terminal of the user. Further, the apparatus includes incentive means for extracting the second content information of the content distributed to the terminal of the user from the viewing history information, specifying that the content supplier is associated with the extracted second content information of the content distributed to the terminal of the user,

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and calculating a payment to the content supplier that supplies the content for screening at the real place based on the viewing history information including the second content information and indicating the history of the user viewing the content on the terminal of the user and the first content information of the content to be screened for the user at the real place. Independent Claims 12, 13, 15, and 16 include similar features or related steps directed to different classes and scopes of invention.

Applicants respectfully submit that Ellis, Babu, and Strietzel, whether taken individually or in combination, fail to teach or suggest each of the features of any of the independent claims. For example, it is respectfully submitted that the references fail to teach or suggest incentive means for calculating a payment to a content supplier that supplies content for screening at a real place based on viewing history information, which includes second content information indicating that the content is distributed to a terminal of a user and indicating a history of the user viewing the content on the terminal of the user and based on the first content information of the content to be screened for the user at the real place.

According to a non-limiting embodiment shown in Applicants' Figure 1, content, such as a movie, may be screened for a user (e.g., a moviegoer) at a real place (e.g., a movie theater) and content supplier information may be stored by a first storage means (e.g., management server) identifying a content supplier (e.g., a movie distributor or theater operator) that supplies the content for screening at the real place. In addition, the same content may be viewed by a user on a terminal 2. Further, a payment processing unit 112 may calculate a payment to the content supplier that supplies the content for screening at the real place (e.g., the movie theater) based on viewing history information that includes an indication of a history of the user viewing the content on the terminal 2 and based on first content information indicating that the content is to be screened at a real place (e.g., a movie theater).

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Ellis describes an interactive television program guide system that has niche hubs. Each of the niche hubs is an area of the program guide in which features, programming, and information related to a particular programming category where user interest may be found.[1] Thus, it is respectfully submitted that Ellis fails to teach or suggest "first storage means for storing first content information indicating content that is to be screened for a user at a real place and content supplier information identifying a content supplier that supplies the content for screening at the real place," as recited by Claim 1, and as similarly required by independent Claims 12, 13, 15, and 16.

In addition, as noted in the Office Action, Ellis also fails to disclose a viewing history storage means for storing viewing history information, and Ellis fails to disclose or otherwise suggest incentive means for extracting second content information, and specifying that the content supplier is associated with the extracted second content information. Additionally, although not mentioned in the Office Action, Ellis also fails to disclose or otherwise suggest any incentive means for calculating a payment to a content supplier based on a terminal viewing history and first content information indicating that the content viewed on the terminal is to be screened at a real place.

Furthermore, Applicants respectfully submit that Babu and Strietzel also fail to supply the claim features lacking in the disclosure of Ellis.

Babu describes a television server that generates a metadata map that represents relationships among media content description data based on viewing patterns of multiple viewers.[2] According to Babu, a metadata map 200 may be generated by a metadata mapping engine 126, and describes relationships between categories based on user preferences. For example, according to Babu, viewers who watch programs that are associated with a space

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[1] Ellis at paragraph [0009].
[2] Babu at Abstract.

category 202 are likely to also watch programs that are associated with either an adventure category 204 or an electronics category 206.[3] Additionally, Babu indicates that a metadata map may also be generated to describe relationships between television programs based on user viewing patterns. For example, according to Babu, viewers who watch the television program Friends 302 are likely to also watch Fraiser 304, Will and Grace 306, Third Watch 310, and ER 308. In other words, Babu discusses the development of metadata maps that indicate relationships between categories or television programs based on user preferences. However, Babu fails to supply the features lacking in the disclosure of Ellis. For example, Babu is silent regarding the storing of viewing history information that indicates a history of user viewing content on a terminal of the user when the content is also supplied for screening at a real place. Additionally, Babu fails to teach or suggest the first storage means and the incentive means lacking in the disclosure of Ellis.

Strietzel describes systems and methods for distributing targeted multimedia content and advertising over a communication link that provides users with flexibility in determining how to pay for content, one option being to receive targeted advertising with the content.[4] Alternatively, Strietzel describes allowing the user to pay for limited or unlimited access to the content.[5] However, Applicants respectfully traverse the assertion in the Office Action that Strietzel discloses the claimed incentive means for calculating a payment to a content supplier as recited in the amended claims. The cited portions of Strietzel merely indicate that "to provide the user with flexibility, other payment methods can also be provided," and "the user is permitted to make selections as to how to pay for the cost of downloaded content items."[6] Further, Strietzel indicates that "to ensure that the content providers are paid for the

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[3] Babu at paragraph [0027].
[4] Strietzel at Abstract.
[5] Strietzel at Abstract.
[6] Strietzel at column 4, lines 22-33 and column 8, lines 14-16.

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use of their content, content server tracks the number of accesses for each content item."[7] In

other words, Strietzel describes in general terms that a user may pay for downloaded content

(e.g., content viewed on a terminal). However, Applicants respectfully submit that Strietzel

fails to disclose or otherwise suggest the first storage means, viewing history storage means,

and incentive means lacking in the disclosures of Ellis and Babu. For example, Strietzel fails

to teach or suggest incentive means for calculating a payment to a content supplier that

supplies content for screening at a real place, and Strietzel also fails to teach or suggest

calculating the payment based on viewing history information of viewing that same content

on a terminal of the user and also based on information indicating that the content is to be

screened for a user at a real place.

Accordingly, Applicants respectfully submit that Ellis, Babu, and Strietzel fail to

teach or suggest "first storage means for storing first content information indicating content

that is to be screened for a user at a real place and content supplier information identifying a

content supplier that supplies the content for screening at the real place," as recited in

independent Claim 1 and as similarly recited in independent Claims 12, 13, 15, and 16.

Furthermore, it is respectfully submitted that Ellis, Babu, and Strietzel also fail to teach or

suggest "viewing history storage means for storing viewing history information including at

least the second content information and indicating a history of the user viewing the content

on the terminal of the user," as recited in independent Claim 1, and as similarly recited in

independent Claims 12, 13, 15, and 16. Additionally, it is respectfully submitted that Ellis,

Babu, and Strietzel, also fail to teach or suggest "incentive means for . . . calculating a

payment to the content supplier that supplies the content for screening at the real place based

on the viewing history information including the second content information and indicating

the history of the user viewing the content on the terminal of the user and based on the first

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[7] Strietzel at column 15, lines 17-20.

content information of the content to be screened for the user at the real place," as recited in

Claim 1 and as similarly recited in independent Claims 12, 13, 15, and 16.

Thus, it is respectfully submitted that independent Claims 1, 12, 13, 15, and 16, and

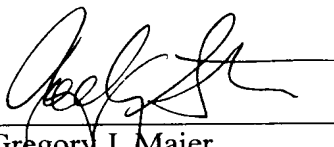claims depending therefrom, patentably define over Ellis, Babu, and Strietzel.

Therefore, Applicants respectfully request the rejection of Claims 1-13 and 15-19

under 35 U.S.C. § 103(a) as unpatentable over Ellis, Babu, and Strietzel, be withdrawn.

Accordingly, Applicants respectfully submit that independent Claims 1, 12, 13, 15,

and 16, and claims depending therefrom, are allowable.

Consequently, in light of the above discussion and in view of the present amendment

this application is believed to be in condition for allowance and an early and favorable action

to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Gregory J. Maier
Attorney of Record
Registration No. 25,599

Zachary S. Stern
Registration No. 54,719

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413-2220
(OSMMN 06/04)

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